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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,894

Applicant(s)

DESHPANDE ET AL.

Examiner

Ramy M Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 1 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 objected to because of the following informalities:  
A semicolon is missing on line 11, it should read "customization; and".
2. Claim 20 objected to because of the following informalities:  
The word "and" is missing at the end of line 6. It should read: "said image file; and"  
A comma is missing on line 9, it should read: "image file, and said parser".  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 3, applicant recites: "requesting said image file from a client". It is not clear whether the image is being requested from a client meaning that the image is stored on the client, or if the image is being request by the client meaning the image is on the file server.

On line 7, applicant recites: "customization of said image". It is not clear whether 'image' and 'image file' are the same thing or two different images.

5. Claim 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

On line 4, applicant recites: "requesting said image file from a client". It is not clear whether the image is being requested from a client meaning that the image is stored on the client, or if the image is being request by the client meaning the image is on the file server.

On line 7, applicant recites: "customization of said image". It is not clear whether 'image' and 'image file' are the same thing or two different images.

6. Claim 1 recites the limitation " customization of said image " in line 7. There is insufficient antecedent basis for this limitation in the claim. Perhaps applicant means: "customization of said representative part".

7. Claim 13 recites the limitation " version of said image " in line 6. There is insufficient antecedent basis for this limitation in the claim. Perhaps applicant means: "customized version of said thumbnail version".

8. Claim 13 recites the limitation " said customized version information " in line 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2157

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims rejected under 35 U.S.C. 102(e) as being anticipated by Sivan et al (US Patent No 6,281,874).

11. in reference to claim 1, Sivan teaches a method for image transmission (Abstract), said method comprising the acts of:

hosting an image file on a server; (column 4 lines 15-35, column 7 lines 20-60 and figure 1 and figure 4 reference #40)

requesting said image file from a client; (column 1 lines 40-55, column 2 lines 40-55 and column 5 lines 1-35)

parsing said image file on said server to determine a representative part of said image; (Summary, column 7 line 20 – column 8 line 25 and figure 1)

transmitting said representative part of said image file to said client Summary and figure 1);

selecting a customization of said image through a client interface on said client; (column 2 lines 40-67, column 3 lines 50-55, column 5 lines 22-36 and figures 3a-3d)

transmitting said customization information from said client to said server; (Summary and figure 1)

parsing said image file on said server to determine image data associated with said customization; (Summary, column 5 line 10 – column 6 line 35, column 7 line 20 – column 8 line 25 and figure 1) and

transmitting said image data associated with said customization to said client. (Summary and figure 1)

12. In reference to claim 2, Sivan teaches the method of claim 1 wherein said representative part of said image file is a low-resolution version of said image. (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

13. In reference to claim 3, Sivan teaches the method of claim 1 wherein said client interface prompts a user for image customization data. (column 1 lines 40-55, column 2 lines 40-57, column 3 lines 50-55 and column 5 lines 1-35)

14. In reference to claim 7, Sivan teaches the method of claim 1 wherein said transmitting uses an HTTP transmission protocol. (column 7 lines 20-55)

15. In reference to claim 8, Sivan teaches the method of claim 1 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

16. In reference to claim 12, Sivan teaches the method of claim 1 wherein said client caches data received from said server. (Summary, column 4 lines 20-45 and figures 1&4) It is inherent that the client would store the data received from the server.

17. In reference to claims 20-23, Sivan teaches an apparatus, image server, computer-readable medium and computer data signal for interactive customized image transmission, said apparatus comprising:

a server having an image file stored thereon (column 4 lines 15-35, column 7 lines 20-60, figure 1 and figure 4 #40);

a parser on said server for parsing said image file and determining what image file data is required to communicate various customized versions of said image file (Summary, column 7 line 20 – column 8 line 25 and figure 1);

a client having a client image interface (column 3 lines 50-55, column 5 lines 22-36, column 7 lines 4-14, figure 1 and figures 3a-3d);

wherein said client image interface enables a user to request a customized version of said image file and said parser on said server has the ability to determine what image data is required to communicate said customized version and transmit said image data to said client (Summary, column 5 line 10 – column 6 line 35, column 7 line 20 – column 8 line 25 and figure 1).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4,6 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, J. et al (ISO/IEC JTC1/SC29/WG1 N1473).

Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said selecting a customization comprises selecting data from the group consisting of quality data, scalability data, resolution data and region-of-interest (ROI) data; wherein said image file is a JPEG 2000 file; and wherein said transmitting said customization data comprises streaming said

Art Unit: 2157

customization of said image to said client. However, Li, J teaches streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data for customized image viewing over a network (page 1, all; and page 2, first paragraph).

It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Li, J for customized image viewing over a network.

20. Claims 5,13 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Duhault et al (US Patent No 5,900,868).

21. Sivan teaches the method of claim 1 above. Sivan fails to explicitly teach wherein said selecting a customization comprises displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image. However, Duhault teaches displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image (Abstract, column 2 lines 10-35, column 5 lines 1-45 and column 6 lines 40-57).

It would have been obvious for one of ordinary skill in the art to modify Sivan by displaying a thumbnail image to a user and allowing a user to select customization characteristics by interaction with said thumbnail image as per the teachings of Duhault for the purpose customizing images.



22. In reference to claim 15, Sivan teaches the method of claim 13 wherein said selecting a customization of said image comprises selecting an image resolution below the maximum resolution available for said image. (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

23. In reference to claim 16, Sivan teaches the method of claim 13 wherein said selecting a customized version of said image comprises selecting quality scalability (column 2 lines 40-67, column 3 lines 15-55, column 4 lines 32-45 and figure 1)

24. In reference to claim 19, Sivan teaches the method of claim 13 wherein said transmitting uses an HTTP transmission protocol. (column 7 lines 20-55)

25. Claims 10 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Li, C et al (US Patent No 6,345,279).

26. In reference to claim 10, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein the size of said representative part is relative to the bandwidth of the connection between said server and said client interface. However, Li, C teaches a content adaptation process by using a client profile which includes the network bandwidth connection between the client and server for the purpose of customizing a multimedia file for a client (column 5 line 65 – column 6 line 49).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the size of said representative part is relative to the bandwidth of the connection between said

Art Unit: 2157

server and said client interface as per the teachings of Li, C for the purpose of customizing a multimedia file for a client.

27. In reference to claim 11, Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein said representative part comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data. However, Li, C teaches multimedia data items with representations containing metadata for multimedia customization to be delivered to a client (column 1 lines 15-35 and column 4 line 57 – column 5 line 47).

It would have been obvious for one of ordinary skill in the art to modify Sivan by making the representative part comprise metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data as per the teachings of Li, C for multimedia customization to be delivered to a client.

28. Claims 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sivan et al (US Patent No 6,281,874) in view of Duhault et al (US Patent No 5,900,868) in further view of Li, J. et al (ISO/IEC JTC1/SC29/WG1 N1473).

29. Sivan teaches the method of claim 1. Sivan fails to explicitly teach wherein wherein said selecting a customization of said image comprises selecting a region of interest on said image; and wherein said image file is a JPEG 2000 image file. However, Li, J teaches streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data for customized image viewing over a network (page 1, all; and page 2, first paragraph).

Art Unit: 2157


It would have been obvious for one of ordinary skill in the art to modify Sivan by streaming image file JPEG2000 over a network, where a user may select data within the image which includes resolution and ROI data as per the teachings of Li, J for customized image viewing over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO  
September 26, 2004

  
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